

NOTICE TO THE PUBLIC
AND TO THE UPPER REPUBLICAN
NATURAL RESOURCE DISTRICT
OF FULLY APPROPRIATED AREAS
AND APPLICABLE STAYS

Pursuant to Section 54, LB 962 (2004 Nebraska Legislature) the Department of Natural Resources (“Department”) hereby provides notice that the Department, in accordance with Sections 53 and 60 of LB 962:

- 1) Has made a final determination that the Upper Republican Natural Resource District (the “NRD”) is “fully appropriated,” in its entirety; and
- 2) That because of such determination, stays on new uses of surface water and ground water have or will take effect as described below.

The Department has placed an immediate stay on the issuance of any new natural-flow, storage, or storage-use appropriations in the whole of the NRD. On receipt of this notice from the Department by the NRD, there shall be a stay on the issuance of water well construction permits in all of the NRD. Stays shall also be imposed in the NRD (a) on the construction of certain new water wells unless such construction has commenced prior to the effective date of that stay or a still valid construction permit for such water well has been previously obtained from the NRD, and (b) on the use of an existing water well to increase the number of acres historically irrigated. In addition, there shall be, in all of the NRD, a stay on any increase, through use of an existing surface water right, of the number of acres historically irrigated. All of these additional stays will be effective on July 26, 2004, which will be the date ten days after the Department’s first newspaper publication, in the Omaha World Herald, of the notice of the full appropriation determination and of such stays.

For further information regarding the Department’s determination, the exact geographic area subject to the actions described herein, and a list of the statutory exceptions to the stays, please refer to the Department’s web site, at <http://www.dnr.state.ne.us>, and/or the NRD.

The stays shall remain in effect until (a) they are terminated pursuant to LB 962, (b) an integrated management plan for the affected area has been adopted and has taken effect, (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated, or (d) the stays expire pursuant to the provisions of LB 962.

NOTICE OF THE ADOPTION OF THE UPPER REPUBLICAN NATURAL RESOURCES DISTRICT MANAGEMENT PLAN INTEGRATED MANAGEMENT PLAN NOTICE TO THE PUBLIC Pursuant to Neb. Rev. Stat. § 46-718(2) the Nebraska Department of Natural Resources (Department) approved an order on April 3, 2008 to adopt the integrated management plan (IMP) for the Upper Republican Districts and implement the surface water controls included in the IMP. The following surface water controls are adopted by the Department for the Upper Republican Natural Resources District: A. The Department will administer surface water in the Republican Basin as required by the Settlement Agreement approved by the United States Supreme Court in Kansas v. Nebraska, No. 126 Original (the Settlement Agreement) including: (1) Regulate the natural flow between Harlan County Lake and Superior Courtland Diversion Dam by recognizing a priority date of February 26, 1945 for Kansas-Bostwick Irrigation District, the same priority date as the priority date newly set by the Nebraska Bostwick Courtland Canal water right; (2) Close land natural flow surface appropriations between Harlan County Lake and Guide Rock when water is needed for diversion at the projected or actual irrigation supply, less than 130,000 acre-feet of storage available for use from Harlan County Lake. The Bureau of Reclamation will determine the amount of water supply using the methodology described in Harlan County Lake Operation Consensus Plan attached as Appendix K to the Settlement Agreement; (3) Ensure that senior natural flow surface water appropriations are complying with the terms of their permits and all orders of the Department; (4) Protect storage water released from Harlan County Lake for delivery at Guide Rock from surface water diversions; (5) Take actions to minimize the bypass flows at Superior Courtland Diversion Dam Nebraska, in concert with Kansas and in collaboration with the United States and in the manner described in Appendix A to the Settlement Agreement; B. The Department will continue to require all surface water appropriations to install flow meters at the point of diversion from the stream and keep the same in good working order. For surface water canals that are not part of a Bureau of Reclamation project, farm turnouts will be required to install and maintain a measuring device. All measuring devices must meet the Department's standards for installation, accuracy and maintenance. All appropriations will be monitored to ensure that neither the rate of diversion nor the annual amount diverted exceeds that allowed by the applicable permit or by statute; C. The Department will continue the moratorium on the issuance of new surface water permits made formal by order of the Director dated July 14, 2004. Exceptions may be granted by the Department to the extent permitted by Neb. Rev. Stat. § 46-714(3) or to allow issuance of permits for existing reservoirs that currently do not now have permits. Only the reservoirs that are required through the Settlement Agreement to be inventoried of reservoirs with over 15 acre-feet capacity will be granted a permit; D. The Department will carefully adhere to the criteria for surface water transfers found in Neb. Rev. Stat. §§ 46-290 to 46-294, and §§ 46-2100 to 46-2110 and related Department rules; E. The Department completed the adjudication process within the URNRD for the individual appropriators in the Republican River Basin in 2004. The results of that adjudication provided up-to-date records of the number and location of acres irrigated with surface water by such appropriators. Those records will be used by the Department to monitor use of surface water and to make sure that unauthorized irrigation is not occurring. The Department will also be proactive in initiating subsequent adjudications whenever information available to the Department indicates the need for adjudication as outlined by state statutes; F. At this time, due to the already limited availability of surface water supplies, the Department shall not require that surface water appropriators apply or utilize any additional conservation measures or that they be subject to other new restrictions on surface water use. However, the Department may require such additional measures if a modification is made. Neb. Rev. Stat. § 46-718(2) requires the Department to allow the affected surface water appropriators and surface water project sponsors a reasonable amount of time, not to exceed one hundred eighty days, unless extended by the Department, to identify the conservation measures to be applied or utilized, to develop a schedule for such application and utilization, and to comment on any other proposed restrictions. The IMP and associated surface water controls will become effective on May 23, 2008. The full text of the IMP and the associated surface water controls can be obtained by contacting the Department of Natural Resources, 301 Central Mail South, P.O. Box 54676, Lincoln, Nebraska 68509-4676 or by through the Department's website at <http://www.dnr.ne.gov>

Proof of publication

AFFIDAVIT

State of Nebraska, County of Douglas, ss:

Joyce Sawatzki being duly sworn, deposes and says that he/she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 4/24, 5/1 & 5/8 days of March and April 2008, and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 182,437 Daily and 227,515 Sunday, in 2008.

(Signed) *Joyce Sawatzki* Title: **Account Executive**

Subscribed in my presence and sworn to before me this 8 day of May, 2008.

MIRANDA KAY SMITH
General Notary
State of Nebraska
My Commission Expires Jan 18, 2012

Miranda Kay Smith
Notary Public

Printer's Fee \$ _____
Affidavit _____
Paid By _____

RECEIVED
MAY 12 2008
DEPARTMENT OF
NATURAL RESOURCES

PUBLISHER'S AFFIDAVIT

THE STATE OF NEBRASKA }
County of Chase } ss.

Lori J. Pankonin, being first duly sworn, on oath, deposes and says that she is co-publisher of The Imperial Republican, a legal weekly newspaper, published and printed in Imperial, Chase County, Nebraska, and of general circulation in said county; that said newspaper has a bona fide circulation of more than three hundred copies of each issue; and has been printed for more than fifty-two (52) consecutive weeks prior to the first insertion of notice, in an office maintained in Imperial,

Exhibit "A"

NOTICE TO THE PUBLIC AND TO THE UPPER REPUBLICAN NATURAL RESOURCE DISTRICT OF FULLY APPROPRIATED AREAS AND APPLICABLE STAYS

Pursuant to Section 54 of LB 962 (2004 Nebraska Legislature) the Department of Natural Resources ("Department") hereby provides notice that the Department, in accordance with Sections 53 and 60 of LB 962:

1) Has made a final determination that the Upper Republican Natural Resource District (the "NRD") is "fully appropriated," in its entirety; and

2) That because of such determination, stays on new uses of surface water and ground water have or will take effect as described below.

The Department has placed an immediate stay on the issuance of any new, natural flow, storage, or storage-use appropriations in the whole of the NRD. On receipt of this notice from the Department by the NRD, there shall be a stay on the issuance of water well construction permits in all of the NRD. Stays shall also be imposed in the NRD (a) on the construction of certain new water wells unless such construction has commenced prior to the effective date of that stay or a still valid construction permit for such water well has been previously obtained from the NRD; and (b) on the use of an existing water well to increase the number of acres historically irrigated. In addition, there shall be, in all of the NRD, a stay on any increase, through use of an existing surface water right, of the number of acres historically irrigated. All of these additional stays will be effective on July 26, 2004, which will be the date ten days after the Department's first newspaper publication in the Omaha World Herald of the notice of the full appropriation determination and of such stays.

For further information regarding the Department's determination, the exact geographic area subject to the actions described herein, and a list of the statutory exceptions to the stays, please refer to the Department's web site at <http://www.dnr.state.ne.us> and/or the NRD.

The stays shall remain in effect until (a) they are terminated pursuant to LB 962, (b) an integrated management plan for the affected area has been adopted and has taken effect, (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated, or (d) the stays expire pursuant to the provisions of LB 962.

Publish: July 22, 29 and Aug 5, 2004

Chase County, Nebraska; that the annexed notice marked Exhibit "A" was correctly published in the regular and entire edition of said newspaper and not a supplement, three consecutive week/s, the first publication being on the 22nd day of July, 2004, and the remaining two publications on July 29 and August 5, 2004.

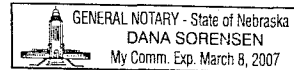
Lori J. Pankonin

Subscribed in my presence and sworn to before me this 6th

day of August, 2004

Dana Sorensen

Notary Public



My commission expires

Cost of publication \$ 90.49

Filed

RECEIVED
AUG 30 2004
DEPARTMENT OF
NATURAL RESOURCES

PROOF OF PUBLICATION

AFFIDAVIT

State of Nebraska, County of Douglas, ss:

Michelle Revis

Michelle Revis, being duly sworn, deposes and says that he is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 16 day of July A. D., 20 04, and that said newspaper is a legal newspaper under the statues of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 222,271 daily, 268,336 Sunday, in 20 04.

(Signed) Michelle Revis Title: Advertising

Subscribed in my presence and sworn to before me this 16 day of July 20 04.

Debra L. Marco Notary Public



Printer's Fee \$... Affidavit... Paid by...

RECEIVED

JUL 19 2004

DEPARTMENT OF NATURAL RESOURCES

313-G8-007

NOTICE TO THE PUBLIC AND TO THE UPPER REPUBLICAN NATURAL RESOURCE DISTRICT OF FULLY APPROPRIATED AREAS AND APPLICABLE STAYS Pursuant to Section 54 LB 962 (2004 Nebraska Legislature) the Department of Natural Resources (Department) hereby provides notice that the Department is in accordance with Sections 53 and 60 of LB 962:

1) Has made a final determination that the Upper Republican Natural Resource District (the NRD) is fully appropriated in its entirety and 2) That because of such determination, stays on new uses of surface water and ground water have or will take effect as described below.

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For further information regarding the Department's determination, the exact geographic area subject to the actions described herein, and a list of the statutory exceptions to the stays, please refer to the Department's web site at http://www.dnr.state.ne.us/ or the NRD.

The stays shall remain in effect until (a) they are terminated pursuant to LB 962; (b) an integrated management plan for the affected area has been adopted and has taken effect; (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated; or (d) the stays expire pursuant to the provisions of LB 962.

PUBLISHER'S AFFIDAVIT

THE STATE OF NEBRASKA }
County of Chase } ss.

Tina L. Kitt, being first duly sworn, on oath, deposes and says that she is news editor of The Wauneta Breeze, a legal weekly newspaper, published in Wauneta, Chase County, Nebraska, and of general circulation in said county; that said newspaper has a bona fide circulation of more than three hundred (300) copies of each issue; and has been printed for more than fifty-two (52) consecutive weeks prior to the date of the first insertion of notice, in an office maintained in Wauneta, Chase County,

Exhibit "A"

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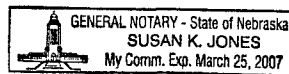
Publish: July 22, 29 and Aug. 5, 2004.

Nebraska; that the annexed notice marked Exhibit "A" was correctly published in the regular and entire edition of said newspaper and not a supplement, 3 consecutive week/s, the first publication being on the 22nd day of July, 2004, and the remaining 2 publications on July 29, 2004, August 5, 2004.

Tina L. Kitt

Subscribed in my presence and sworn to before me this 6th day of August, 2004.

Susan K Jones
Notary Public



Cost of publication \$ 90.49

Filed

RECEIVED
AUG 09 2004
DEPARTMENT OF
NATURAL RESOURCES

EXHIBIT "A"

PUBLISHER'S AFFIDAVIT

THE STATE OF NEBRASKA } :-ss.
COUNTY OF DUNDY

NOTICE TO THE PUBLIC
AND TO THE
UPPER REPUBLICAN
NATURAL RESOURCES
DISTRICT
OF FULLY
APPROPRIATED AREAS
AND APPLICABLE STAYS

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Pub. Dates: July 21 and 28 and Aug. 4, 2004

Candie Merklin

Being first duly sworn on oath deposes and says that she is the
circulation director

of The Benkelman Post & News-Chronicle, a Legal Newspaper, published and printed weekly in BENKELMAN, DUNDY COUNTY, NEBRASKA, and of general circulation in said County that said Newspaper has a bona fide circulation of more than 300 copies each issue, and has been published and printed weekly for more than fifty-two consecutive weeks immediately prior to date of the first insertion of notice attached hereto, in an office maintained in Dundy County, Nebraska, and is printed wholly in the English language; that the annexed notice marked "Exhibit A" was correctly published in the regular and entire edition of said Benkelman Post & News-Chronicle, and not in a supplement

for 3 consecutive week(s), the first publication being:

21st day of July, 20 04

and the remaining publications being on the

28th day of July, 20 04, the

4th day of August, 20 04, the

_____ day of _____, 20 _____, the

_____ day of _____, 20 _____, the

_____ day of _____, 20 _____, the

_____ day of _____, 20 _____.

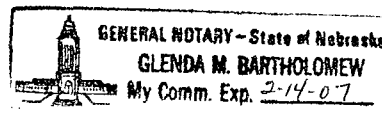
(Signed) Candie Merklin

Subscribed in my presence and sworn to before me

this 4th day of August, 20 04

(Signed) Glenda M. Bartholomew

Notary Public



PUBLICATION FEE: \$101.52

RECEIVED
AUG 16 2004
DEPARTMENT OF
NATURAL RESOURCES

AFFIDAVIT OF PUBLICATION

County of Perkins,)

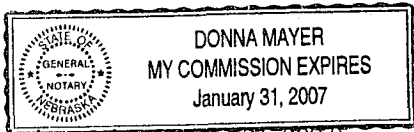
: SS.

State of Nebraska,)

I, Janice Goff, Editor of the Grant Tribune-Sentinel, a legal paper published weekly at Grant, Perkins County, Nebraska, do solemnly swear that a copy of the notice as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 3 weeks, commencing with the issue dated July 22, 2004 and ending with the issue dated Aug. 5, 2004.

Janice Goff

Subscribed and sworn to before me this 16th day of September, 2004.



Donna Mayer
Notary Public

(My commission expires January 31, 2007)

RECEIVED

SEP 20 2004

DEPARTMENT OF NATURAL RESOURCES

Printer's Fees, \$ _____

Public Notices	Public Notices
<p>NOTICE TO THE PUBLIC AND TO THE UPPER REPUBLICAN NATURAL RESOURCE DISTRICT OF FULLY APPROPRIATED AREAS AND APPLICABLE STAYS</p> <p>Pursuant to Section 54, LB 962 (2004 Nebraska Legislature) the Department of Natural Resources ("Department") hereby provides notice that the Department, in accordance with Sections 53 and 60 of LB 962:</p> <ol style="list-style-type: none"> 1) Has made a final determination that the Upper Republican Natural Resource District (the "NRD") is "fully appropriated," in its entirety; and 2) That because of such determination, stays on new uses of surface water and ground water have or will take effect as described below. <p>The Department has placed an immediate stay on the issuance of any new natural-flow, storage, or storage-use appropriations in the whole of the NRD. On receipt of this notice from the Department by the NRD, there shall be a stay on the issuance of water well construction permits in all of the NRD. Stays shall also be imposed in the NRD (a) on the construction of certain new water wells unless such construction has commenced prior to the effective date of that stay or a still valid construction permit for such water well has been</p>	<p>previously obtained from the NRD, and (b) on the use of an existing water well to increase the number of acres historically irrigated. In addition, there shall be, in all of the NRD, a stay on any increase, through use of an existing surface water right, of the number of acres historically irrigated. All of these additional stays will be effective on July 26, 2004, which will be the date ten days after the Department's first newspaper publication, in the Omaha World Herald, of the notice of the full appropriation determination and of such stays.</p> <p>For further information regarding the Department's determination, the exact geographic area subject to the actions described herein, and a list of the statutory exceptions to the stays, please refer to the Department's web site, at http://www.dnr.state.ne.us, and/or the NRD.</p> <p>The stays shall remain in effect until (a) they are terminated pursuant to LB 962, (b) an integrated management plan for the affected area has been adopted and has taken effect, (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated, or (d) the stays expire pursuant to the provisions of LB 962.</p> <p>PUBLISH: July 22, 29, Aug. 5, 2004</p>